

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--------------------------------|---|------------------------|
| CENTRAL STATES, SOUTHEAST AND |) | |
| SOUTHWEST AREAS PENSION FUND, |) | |
| and HOWARD McDOUGALL, trustee, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 07 C 6486 |
| |) | |
| MERRILL'S CONTRACTORS, INC., |) | Judge Hart |
| an Illinois corporation, |) | |
| |) | Magistrate Judge Mason |
| |) | |
| Defendant. |) | |

NOTICE OF MOTION

| | |
|-------------------------------------|--|
| John Kenneth Kallman | Andrew J. Martone, Esquire |
| Law Offices of John Kenneth Kallman | Bobroff, Hesse, Lindmark & Martone, P.C. |
| 221 North LaSalle Street | 1650 Des Peres Road, Suite 200 |
| Chicago, IL 60601-1305 | St. Louis, Missouri 63131 |

PLEASE TAKE NOTICE that on Wednesday, May 14, 2008 at the hour of 11:00 a.m., or as soon as counsel may be heard, the attorney for Central States, Southeast and Southwest Areas Pension Fund will appear before the Honorable William T. Hart, Judge of the United States District Court for the Northern District of Illinois, located at 219 South Dearborn Street, Chicago, Illinois, or such other Judge as may be sitting in his stead, and present the attached Motion for Summary Judgment.

Respectfully submitted,

/s/ Thomas M. Weithers
Thomas M. Weithers
One of the attorneys for Plaintiffs Central
States, Southeast and Southwest Areas
Pension Fund
9377 West Higgins Road
Rosemont, Illinois 60018-4938
847/518-9800, Ext. 3276
ARDC No.: 06193004

May 9, 2008

CERTIFICATE OF SERVICE

I, Thomas M. Weithers, one of the attorneys for the Central States, Southeast and Southwest Areas Pension Fund, certify that on May 9, 2008, I caused the foregoing Plaintiff's Motion for Summary Judgment to be electronically filed. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system.

Respectfully submitted,

s/ Thomas M. Weithers

Thomas M. Weithers
A.R.D.C. 06193004
Attorney for Plaintiffs
Central States, Southeast and
Southwest Areas Pension Fund
9377 W. Higgins Road
Rosemont, Illinois 60018-4938
847/518-9800, Ext. 3276

May 9, 2008